

374 DNA SAMPLES**374.1 PURPOSE AND SCOPE**

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

374.2 POLICY

The Columbia Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample (§ 650.055, RSMo):

1. Persons convicted of felonies or sex offenses under Chapter 566, RSMo, who are not going to be supervised by the Missouri Department of Corrections.
2. Arrestees who are 17 years or older and arrested for:
 - a. Burglary in the first degree (§ 569.160, RSMo).
 - b. Burglary in the second degree (§ 569.170, RSMo).
 - c. A felony offense under Chapters 565 (crimes against persons), 566 (sex offenses), 567 (crimes against family), 568 (prostitution) or 573 (pornography), RSMo.

374.4.1 COLLECTION

The following steps should be taken to collect a sample:

1. Verify that the individual is required to provide a sample (§ 650.055, RSMo).
2. Make sure a DNA sample has not been previously collected from the offender by querying the Missouri Uniform Law Enforcement System (MULES) or contacting the Profiling Section of the MSHP Crime Lab. There is no need to obtain a biological sample if one has been previously obtained.
3. Use the designated collection kit provided by the MSHP to perform the collection and take steps to avoid cross contamination.

374.4.2 COMMUNICATION TO PERSON PROVIDING SAMPLE

Upon inquiry, the person providing the sample should be informed:

1. That he/she is required by state law to provide a DNA sample.
2. That there is no right to refuse the collection.

3. That the sample will be sent to the MSHP Crime Lab for analysis and entry into the Combined DNA Index System (CODIS).

374.4.3 EXPUNGEMENT

If the prosecutor decides not to file charges, the sample taken upon arrest must be expunged. It is the responsibility of the arresting agency to notify the MSHP by completing and sending an Expungement Notification Form (SHP-420) within 90 days so that the sample may be removed from the database (§ 650.055, RSMo.).

374.5 USING FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

1. The person's parole or probation officer when applicable.
2. The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
3. The judge at the person's next court appearance.
4. The person's attorney.
5. A chaplain.
6. Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
7. A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

374.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.